

REMARKS

Claims 36 and 37 currently stand rejected. Claims 22-26, 28-29, 32-34 and 36-37 have been canceled herein and claims 38-42 are newly added. Claims 1-20 were previously canceled. Thus, upon entry of the present amendments, claims 21, 27, 30-31, 35, and 38-42 constitute the pending claims in the present application.

Telephonic Interview: Applicants appreciate the time and attention of Examiner Habte during the informal telephonic interviews of October 29, 2007 and November 13, 2007. During the first interview, the status of rejected claims 36 and 37 was discussed, and the Examiner indicated that cancellation of these claims would place the application in condition for allowance. During the second interview, Applicants inquired as to the possibility of splitting the subject matter of allowed claim 21 into two claims in order to improve clarity and in light of the finality of the outstanding Office Action. The Examiner indicated that as long as the number of claims added was not greater than the number cancelled and no new matter was added, that he would enter and consider the amendments.

Amendments and New Claims: Claim 21 has been amended and divided into two separate independent claims. Amended claim 21 now includes the subject matter falling within the first proviso (regarding variables R_1 and R_2) of unamended claim 21, and new claim 38 includes subject matter falling within the second proviso (regarding variable A) of unamended claim 21. Applicants assert that amended claim 21 and new claim 38 improve clarity without adding new subject matter and that since the subject matter of unamended claim 21 has been examined and found to be allowable, a similar finding is appropriate for amended claim 21 and claim 38. Claims 28-29 and 32 have been cancelled and renumbered as claims 39-41 so as to follow independent claim 38 from which they depend. Claims 36-37 have been canceled solely to expedite prosecution. Claim 42 has been added and is directed to pharmaceutical compositions of the compounds of new claim 38. New claim 42 includes compositions removed from the scope of claim 35 due to the amendment of compound claim 21. As claim 35 was previously examined and found allowable, Applicants assert that a similar finding for claim 42 is proper.

The present amendments and new claims do not add subject matter. Additionally, as five claims are newly added (claims 38-42) and five claims have been presently cancelled (claims 28-29, 32, and 36-37), the number of claims added is not greater than the number cancelled.

Applicants respectfully request reconsideration of the previous rejections in view of the foregoing amendments and following remarks. Issues raised by the Office will be addressed below in the order in which they appear in the prior Office Action.

Withdrawal of Rejection Based on 35 U.S.C. 112: Applicants acknowledge with appreciation the withdrawal of the rejection of claims 35 and 36, and objection to parts of the specification for being indefinite.

Rejection Based on 35 U.S.C. 112: Claims 36-37 stand rejected under 35 U.S.C. 112, first paragraph, for failing to comply with the enablement requirement. Applicants traverse this rejection to the extent that it is maintained over the claims as amended.

The Office has maintained the rejection of claim 36 as failing to comply with the enablement requirement. The Office has also rejected claim 37 as failing to comply with the enablement requirement. As noted above, solely to advance prosecution, Applicants have canceled claims 36-37. Applicants reserve the right to pursue the subject matter of these cancelled claims in one or more divisional and/or continuation applications. Applicants submit that these amendments obviate the Examiner's enablement rejection and respectfully request withdrawal.

Allowed Claims: Applicants note with appreciation that claims 21, 27-32 and 35 are in condition for allowance. Applicants assert that the present amendments and newly added claims should not in any way affect the Office's prior conclusion of allowability.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 212.596.9000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to Deposit Account No. 06-1075, under Order No. 004049-0022-102 from which the undersigned is authorized to draw.

Dated: November 27, 2007

Respectfully submitted,

By 

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